

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**SHANE T. by and through his
parent CATHY K.,**

Plaintiffs,

v.

**CARBONDALE AREA SCHOOL
DISTRICT,**

Defendant.

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CIVIL ACTION NO. 3:16-0964

(JUDGE MANNION)

ORDER

In light of the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the defendant's motion for summary judgment/judgment on the administrative record, (Doc. [15](#)), and the plaintiffs' cross-motion for judgment on the administrative record, (Doc. [18](#)), are both **GRANTED IN PART** and **DENIED IN PART** and the February 23, 2016 decision of the administrative hearing officer in Pennsylvania's Office for Dispute Resolution ("ODR"), (Doc. [8-2](#)), is hereby **AFFIRMED IN PART** and **REVERSED IN PART** as follows:

- (1) The defendant's motion is **GRANTED** and the plaintiffs' motion **DENIED** to the extent that it seeks reversal of the hearing officer's decision with respect to Shane's entitlement to an independent educational evaluation ("IEE") funded by the defendant;
- (2) The hearing officer's denial of an IEE is **AFFIRMED**;
- (3) The plaintiffs' motion is **GRANTED** and the defendant's motion **DENIED** to the extent it seeks reversal of the hearing officer's decision with respect to Cathy's entitlement to tuition reimbursement;

- (4) The hearing officer's denial of tuition reimbursement is **REVERSED**; and
- (5) The plaintiffs' motion is **DENIED** to the extent it seeks a judgment ordering the defendant to pay tuition reimbursement and attorneys' fees and costs and a declaration against the defendant; and
- (6) The matter is remanded to the administrative hearing officer at the ODR for further proceedings consistent with the court's opinion.

IT IS FURTHER ORDERED THAT the defendant's request for oral argument regarding its motion, (Doc. [24](#)), is **DENIED** as moot. The Clerk of Court is directed to mark this case administratively closed.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

DATED: September 28, 2017

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